Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 171
Bill #: HB 29
Document ID #:
Bill Subject/Title: AN ACT relating to prohibiting the enforcement of a federal ban or regulation of firearms and declaring an emergency.
Sponsor: Representative Josh Bray
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: Local Government, Law Enforcement Agencies
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

This legislation creates a new section of KRS Chapter 237 to prohibit law enforcement agencies, law enforcement officers, employees of a law enforcement agency, public official, employee of a public agency, or employee of a local government from enforcing, assisting, or otherwise cooperating or participating in the enforcement of a federal ban on firearms, ammunition, or firearms accessories. This includes any federal enforcement action implementing a federal ban on firearms, ammunition, or firearm accessories.

Local government and law enforcement agencies are prohibited from adopting rules, regulations, or ordinances that require enforcement of federal firearm bans prohibits them from allocating public resources or moneys in the enforcement of federal firearm bans.

The legislation permits local law enforcement, peace officers, or other employee of a local government to cooperate with a federal agency as long as the primary purpose is not related

enforcement activity or investigation of a violation of a federal ban on firearms, ammunition, or firearm accessories.

The legislation is retroactive to January 1, 2021, declares that an emergency exists, and that this Act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The fiscal impact of this bill on local law enforcement is indeterminable.

Most local law enforcement agencies receive some amount of federal funding for highway safety grants, federal drug task force participation grants etc. Agencies may stop receiving federal funding as a result of this legislation.

Local governments may be subject to litigation for refusing to enforce or help enforce federal law or to respond to a citizens complaint in court. Staff time, legal expenses and other costs are not determinable. The Kentucky League of Cities has stated that most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Currently (FY 2020), the average hourly rate was \$107.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the bill as introduced.

Data Source(s): Kentucky Fraternal Order of Police, Kentucky League of Cities, LRC Staff

Preparer: MJO (wfb) **Reviewer:** KHC **Date:** 1/21/22